

ments contained in the article were misleading since they exaggerated the nutritive properties of the article; 403(f)—the net weight statement, the ingredients statement, and information pertaining to the special dietary properties of the article were not prominently placed on the label with such conspicuousness (as compared with other words, statements, and designs in the label) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and 403(j)—the article purported to be and was represented as a food for special dietary use by reason of its vitamin and mineral content, and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for such vitamins and minerals supplied by the article when consumed in a specified quantity during the period of one day.

DISPOSITION: The Taylor-Reed Corp. having appeared as claimant, and the claimant and the Government having agreed to the removal of the case for trial to the S. Dist. N.Y., an order was entered on 4-27-60, directing that the case be so removed. On 9-14-61, the claimant having consented, judgment of condemnation was entered and the court ordered that the product be delivered to a charitable institution for its use and not for sale.

27647. Dulse leaves. (F.D.C. No. 46476. S. Nos. 73-310/11 R, 73-318/20 R.)

QUANTITY: 1 79-lb. ctn.; 20 1-lb. boxes; 11 5-lb. boxes; and 10 3-oz. boxes, at Los Angeles, Calif.

SHIPPED: Between 3-28-61 and 7-3-61, from New York, N.Y., by S. B. Penick & Co.

LABEL IN PART: (Ctn.) "Purple Nova Scotia Dulse * * * Seelect Dietary Products * * * S. B. Penick & Company * * * Jersey City, N.J."

RESULTS OF INVESTIGATION: The article was repacked into the boxes by the dealer from the bulk stock shipped as described above.

LIBELED: 10-3-61, S. Dist. Calif. —

CHARGE: 402(a)(3)—contained small sea animals such as snails, crayfish, clams, and mollusks when shipped.

DISPOSITION: 10-27-61. Default—destruction.

27648. Vita Plus capsules. (F.D.C. No. 46352. S. No. 34-608 T.)

QUANTITY: 71 120-capsules btls., and 6 60-capsule btls., at Minneapolis, Minn.

SHIPPED: 12-8-59, from Oak Park, Mich., by Freshman Vitamin Co.

LABEL IN PART: (Btl.) "Cayol Vita Plus Vitamin and Mineral Food Supplement Natural and Organic Food Nutrients * * * Cayol Foods 812 La Salle Ave. Mpls. Minn. * * * Folic Acid 1 mg. per capsule * * * Directions: Two (2) capsules Daily * * * 58996."

LIBELED: 10-5-61, Dist. Minn. —

CHARGE: 402(a)(2)(C)—while held for sale, the article contained a food additive, namely, folic acid, which is unsafe within the meaning of 409, since it and its use or intended use were not in conformity with a regulation or exemption in effect; and 403(a)—when shipped, the labeling of the article, namely, the bottle label, contained statements which represented and suggested that the article was of significant value for special dietary use by reason of the presence of 20 auxiliary and supporting factors to utilize better the vitamins and minerals of the article, such factors supplying less known.

unisolated dietary substances needed for higher nutrition, which statements were false and misleading since they were contrary to fact.

DISPOSITION: 11-17-61. Default—destruction.

27649. Calferamin capsules. (F.D.C. No. 46882. S. No. 14-201 T.)

QUANTITY: 160 100-capsule btls. at Milwaukee, Wis., in possession of Haug Drug Co.

SHIPPED: 8-3-61, from Chicago, Ill.

LABEL IN PART: (Btl.) "Haug's Calferamin Capsules Each Capsule Contains: * * * Thiamine HCl 12 mg. * * * Distributed by Haug Drug Co., Milwaukee, Wis. 8792."

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 77 percent of the declared amount of thiamine hydrochloride.

LIBELED: 1-5-62, E. Dist. Wis. ✓

CHARGE: 402(b)(1)—while held for sale, a valuable constituent, thiamine hydrochloride, had been in part omitted or abstracted from the article; and 403(a)—the label statement "Each Capsule Contains: * * * Thiamine HCl 2 mg." was false and misleading.

DISPOSITION: 1-25-62. Default—destruction.

MISCELLANEOUS FOODS

27650. Gum tragacanth. (F.D.C. No. 45542. S. Nos. 33-539 R, 34-581 R, 34-598 R.)

QUANTITY: 121 bags, containing a total of 40,923 lbs., at New York, N.Y., in possession of Ware-Pack, Inc.

SHIPPED: Between 4-28-59 and 10-10-60, from Isfahan, Iran.

LIBELED: 4-12-61, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-17-61. Consent—claimed by Gill & Duffus, Inc., New York, N.Y. Segregated; 3 bags destroyed.

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PRODUCTS

	N.J. No.		N.J. No.
Almonds, shelled	27630	Buttermilk biscuits	27604
Apples, evaporated	27625	Cake, butter	27603
Bakery products	27601-27604	Calferamin capsules	27649
Beans, Great Northern, dried	27612	Candy. See Confectionery.	
kidney, dried	27612	Cassia	27638
pinto, dried	27612	Cereals and cereal products	27601-27612
red, dried	27628	Cheese, swiss	27621
Biscuits, buttermilk	27604	Coconut Crispies	27602
Brazil nuts	27632	Coffeecake	27603
Breading	27612	Confectionery	27613
Butter	27618-27620		
cake	27603		